

Message Text

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 6617

INFO ROBERT SCHNNING, DIRECTOR

NATIONAL MARINE FISHERIES SERVICE

WASHINGTON DC

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FOR L/OES AND OES/OFA

E.O. 11652: N/A

TAGS: EFIS, XP, JA

SUBJ: DRAFT LANGUAGE FOR US-JAPAN BILATERAL FISHERIES
AGREEMENT

1. GOJ FISHERIES AGREEMENTS EXPECTED TO BE INITIALED DEC 12 OR 13 IF REMAINING ELEMENTS CAN BE WORKED OUT. FOR DEPT. APPROVAL, FOLLOWING ARE SALIENT ELEMENTS OF TEXTS WHICH HAVE BEEN AGREED. BECAUSE THERE WILL BE FURTHER OPPORTUNITY FOR REVIEW AND CHANGE PRIOR TO SIGNATURE, DELEG NOT TELEXING TECHNICAL CHANGES AT THIS TIME. WOULD APPRECIATE RESPONSE ASAP SO CAN FINALIZE TEXTS HERE. WILL TELEX OTHER TEXTS AS THEY ARE AGREED.

2. SUBSTANCE OF AGREEMENT CONCERNING CERTAIN FISHERIES CONTAINED IN GOJ NOTE QUOTED IN US NOTE: INTRODUCTORY PARAGRAPH, APPROPRIATE CHANGES TO DATES AND PLACES. PARAGRAPH 1, INSERT COMMAS AROUND THE PHRASE "EXCEPT SUCH FISHING AS LISTED BELOW." CHANGES MADE IN CFZ FISHING AREAS IN BERING SEA TO REDUCE AREAS AND/OR TIMES FOR FISHING, IN ORDER TO MAKE CONSISTENT WITH JAPANESE INPFC DOMESTIC HALIBUT MEASURES. CHANGES ALSO MADE IN NORTH
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PACIFIC CFZ FISHING AREAS TO REDUCE AREAS FOR DRAGNET

FISHING. SUBPARAGRAPH (3) ON TUNA CHANGED TO ADD GUAM, AMERICAN SAMOA AND THE HAWAIIAN ISLAND OF HAKOOLAUE TO THE AREAS IN WHICH TUNA FISHING CANNOT BE CONDUCTED.

3. IN PARAGRAPH 2, CHANGES MADE TO FURTHER RESTRICT SOME OF THE LOADING AREAS AND TIMES. ST. GEORGE ISLAND, NOW PARAGRAPH 2(10), IS RESTRICTED TO LOADING FROM NOVEMBER 1 TO APRIL 30 INCLUSIVE.

4. NO CHANGE IN PARAGRAPH 3.

5. PARAGRAPH 4 MODIFIED TO READ AS FOLLOWS: QUOTE THE PRESENT ARRANGEMENTS SHALL BE EFFECTIVE AS OF JANUARY 1, 1975, AND SHALL CONTINUE IN EFFECT UNTIL DECEMBER 31, 1976, PROVIDED THAT IN REGARD TO THE FISHING AS SPECIFIED IN PARAGRAPH 1(1)(A) AND TO THE AREA FOR LOADING OPERATIONS AS SPECIFIED IN PARAGRAPH 2(10), THE PRESENT ARRANGEMENTS SHALL CONTINUE IN EFFECT UNTIL MAY 31, 1977 AND UNTIL APRIL 30, 1977 RESPECTIVELY. AT THE REQUEST OF EITHER GOVERNMENT REPRESENTATIVES OF THE TWO GOVERNMENTS WILL MEET AT A MUTUALLY CONVENIENT TIME WITHIN 60 DAYS OF SUCH REQUEST TO CONSIDER THE DESIRABILITY OF MODIFICATION OF THESE ARRANGEMENTS. IN ANY EVENT, THE TWO GOVERNMENTS SHALL MEET BEFORE DECEMBER 31, 1976 TO REVIEW THE OPERATION OF THE PRESENT ARRANGEMENTS AND TO DECIDE ON FUTURE ARRANGEMENTS END QUOTE. REST OF JAPANESE NOTE AND US NOTE UNCHANGED.

6. EXCHANGE OF NOTES ON SALMON UNCHANGED.

7. JAPANESE NOTE CONCERNING GEAR CONFLICT AREAS: PARAGRAPH 1 CHANGED TO PERMIT FISHING OFF KODIAK ONLY FROM AUGUST 10 THROUGH MAY 31. PARAGRAPH 2 CHANGED TO FURTHER LIMIT AREA AND TIME FOR DRAGNET FISHING OFF UNIMAK ISLAND. NEW PARAGRAPH 3 ADDED TO PREVENT GEAR CONFLICTS OFF WASHINGTON AND OREGON. NO CHANGE IN REMAINDER OF NOTE.

8. AGREED MINUTES. APPROPRIATE CHANGES IN NAMES IN INTRODUCTORY PARAGRAPH. PARAGRAPH 2 IS MODIFIED TO DELETE LIMITED OFFICIAL USE

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EVERYTHING AFTER 1966, AS LANGUAGE CONCERNING NO CHANGE IN METHOD OF OPERATING FISHING GEAR IS INCONSISTENT WITH AGREEMENT TO USE BOBBINS. INSERT NEW PARAGRAPH 5 AS FOLLOWS: QUOTE BOTH REPRESENTATIVES STATED THAT IT HAS BEEN AND REMAINS THEIR INTERPRETATION THAT THE TERM "MAINLAND" IN PARAGRAPH 1(3) OF THE EXCHANGE OF NOTES CONCERNING CERTAIN FISHERIES OFF THE COAST OF THE UNITED STATES OF AMERICA INCLUDES ISLANDS ADJACENT TO THE CON-

TINENT OF THE UNITED STATES OF AMERICA END QUOTE.

9. PRESENT PARAGRAPH 5 BECOMES PARAGRAPH 6. ADD NEW PARAGRAPHS 7, 8, AND 9. PARAGRAPH 7 READS QUOTE THE JAPANESE REPRESENTATIVE STATED THAT SKIPJACK POLE AND LINE FISHERY WOULD NOT BE CONDUCTED IN THE WATERS OFF THE LEEWARD HAWAIIAN ISLANDS, THAT IS, KURE ISLAND, MIDWAY ISLANDS, LISIANSKI ISLAND, LAYSAN ISLAND, GARDNER PINNACLES, LE PERONSE PINNACLE, NECKER ISLAND, NIHOA ISLAND, AND KAULA ISLAND END QUOTE.

10. PARAGRAPH 8 READS QUOTE THE JAPANESE REPRESENTATIVE FURTHER STATED THAT HIS GOVERNMENT WOULD PROVIDE ADMINISTRATIVE GUIDANCE TO NATIONALS AND VESSELS OF JAPAN WITH A VIEW TO PROHIBITING SKIPJACK POLE AND LINE FISHING IN THE WATERS OPEN FOR TUNA FISHING UNDER PARAGRAPH 1(3) OF THE EXCHANGE OF NOTES CONCERNING CERTAIN FISHERIES OFF THE COAST OF THE UNITED STATES OF AMERICA IN INSTANCES OF SPECIFIC CONFLICTS WITH THE FISHING OPERATIONS OF UNITED STATES FISHERMEN EN QUOTE.

11. PARAGRAPH 9 READS QUOTE THE JAPANESE REPRESENTATIVE STATED THAT FISHING FOR BAIT IS NOT CONSIDERED TO BE INCLUDED IN THE TERM TUNA FISHING UNDER THE TERMS OF THE AGREEMENT END QUOTE.

12. OLD PARAGRAPH 7 NOW BECOMES PARAGRAPH 10. OLD PARAGRAPH 6 BECOMES PARAGRAPH 11 AND IS MODIFIED TO INSERT THE FOLLOWING AFTER THE WORD "THEREOF": QUOTE AND THAT THE FISHERY AUTHORITIES OF THE RESPECTIVE GOVERNMENTS WILL INFORM EACH OTHER OF THE LOCATION OF ITEMS OF FISHING GEAR OR OTHER MATERIALS LOST OVERBOARD WHICH CONSTITUTE A DANGER TO FISHING OPERATIONS OR NAVIGATION LIMITED OFFICIAL USE

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IN AREAS OF CONCERN TO BOTH COUNTRIES END QUOTE.

13. OLD PARAGRAPH 8 NOW BECOMES PARAGRAPH 12. THE PARAGRAPHS CONCERNING THE GROUND FISH AND LOBSTER IN THE ATLANTIC ARE BEING MOVED TO THE REPORT OF THE MEETING WHICH WILL NOW BE A PUBLIC DOCUMENT.

14. GOJ HAS AGREED TO MAKE THE REPORT PUBLIC. IT WILL CONTAIN PRESENT MEASURES CONCERNING ENFORCEMENT, STRENGTHENED GROUND FISH QUOTAS AND CLOSED AREAS, AGREEMENT TO CONSULT FURTHER REGARDING ESTABLISHMENT OF CLAIMS SETTLEMENT MECHANISM, AND MEASURES CONCERNING FISHING IN THE ATLANTIC. REPORT WILL ALSO CONTAIN MEASURES WITH REGARD TO CRAB AND CRAB OBSERVER PROGRAM WHICH WILL BE DESCRIBED ALONG WITH TEXTS OF CRAB AGREEMENT IN SEPTTEL.

APPROPRIATE CHANGES MADE TO ENSURE THAT US DOES NOT
COMMIT ITS FISHERMEN TO SPECIFIC QUOTAS.
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